

LETTERS

Concerning reprint of "San Francisco Chronicle" article on a Proposed Medical Service Law: Additional information and correction concerning the same.*

LEO H. SHAPIRO
Attorney at Law

San Francisco, California,
April 22, 1937.

California and Western Medicine
Room 2004, 450 Sutter Street
San Francisco California
Attention Frederick C. Warnshuis
Gentlemen:

In your issue of March, 1937, on page 212 thereof, you have published an article under the title, "Bill (Williams) Not Health Insurance," by Chester Rowell. This article purports to be a copy of an article as published by Chester Rowell in the *San Francisco Chronicle* on September 17, 1936.

The portion of the article which is particularly objectionable to me is the statement that the bill which is described in the article was drafted by me on behalf of Credit Unions. For your information, Mr. Rowell, in subsequent articles in the *San Francisco Chronicle*, after receiving the true facts in connection with the statements previously published by him, editorially retracted any statements in connection with such bill as applicable to me.

For your information, I had nothing whatever to do with the preparation of any medical or health bill. Credit Unions are interested in securing proper and adequate health insurance, to be strictly supervised and to be rendered according to the best standards of the medical profession. They are not interested in rackets of any kind or nature, and they want to see physicians duly and adequately paid, without any deductions for any promotional propositions.

I would, therefore, appreciate the correction or retraction of the article as published by you, and I would suggest that you contact Mr. Rowell in order to confirm the statements which I have made herein.

Appreciating your prompt response, I am
68 Post Street.

Yours truly,
(Signed) LEO SHAPIRO.

Concerning syphilis: A letter from a United States Fleet medical officer.

UNITED STATES FLEET
U. S. S. PENNSYLVANIA, FLAGSHIP
San Pedro, California,
March 30, 1937.

J. P. Nuttall, M. D.
President, Los Angeles County Medical Association.
Dear Doctor:

The disease syphilis is acquired by the men of the Navy during periods of leave and liberty ashore. Approximately 10 per cent of our crews have this disease. The major part of the United States Fleet bases for most of the year on two ports of Southern California, Los Angeles and San Diego. A very large proportion of new admissions for syphilis are acquired in the State of California. For this reason the renewal of interest in the control of syphilis being taken in California brings to us a ray of hope. For many years the Navy has brought early diagnosis, early segregation of the infectious and early treatment to bear upon this disease within the confines of its own environment. The increasing evidence that similar activity is now contemplated on a state-wide and perhaps a nation-wide basis is heartening indeed.

Statements which have appeared recently in the Bulletin of the Los Angeles County Medical Association relate to the pressing need for greater activity by all physicians and public health activities. Such an attack upon this disease will succeed in reducing its incidence in the population. It is most gratifying to see that the leadership of your influential society is being brought to bear upon this problem.

The 65,000 men of the Fleet, whose medical care devolves upon naval surgeons, are protected by prophylactics to only

* This letter from Attorney Shapiro is printed for the information of all concerned.—Editor.

a small degree. They, therefore, must place their hope for effective action against the physicians in the civil community.

We hope that the effort now being made in the Legislature of the State of California to write into the statutes a strong and effective legal basis for better control of syphilis will be successful. We hope that as leaders of medical action in the metropolitan center of Los Angeles your society will realize that we follow your activities in this campaign with the greatest interest. We in the Fleet stand ready to cooperate to the fullest extent with any laws or regulations civilian authority may enact to lessen the incidence of this widespread and active destroyer of human life and health.

Sincerely and hopefully yours,

(Signed) GEORGE F. COTTLE,
Captain, (M. C.) United States Navy,
Fleet Medical Officer.

Concerning California's indigent transient problem.

LOS ANGELES CHAMBER OF COMMERCE
LOS ANGELES, CALIFORNIA

April 15, 1937.

Dear Dr. Kress:

Reference is made to my letter of March 22. The fact that you have not heard from me sooner does not mean that we are not deeply interested in the indigent transient problem in California, and its solution.

Apparently, from the opinion rendered by the Attorney-General's office, there is no doubt that the entrance of those who are sick and liable to become a burden upon the community can be stopped. Indeed, the decision seems to me to go much further and recognize the right of the state to keep out those who may become a public charge on the state and county.

The Chamber has a special committee studying this whole problem. This committee would be very glad to go into this phase of the matter and, if you find time, I would very much appreciate it if you would meet with the group.

Very truly yours,

LOS ANGELES CHAMBER OF COMMERCE.
Arthur G. Arnoll,
Secretary and General Manager.

Concerning State Medical Board's interpretation of emergency medical care.

The item below, with the notation by the editor of the publication, is taken from the *Yuba City Independent-Farmer*:

Editor's Note.—The following letter from Dr. Charles B. Pinkham, Secretary-Treasurer of the Board of Medical Examiners of the State of California, is discussed in full in the editorial columns of today's *Independent-Farmer*.

San Francisco, California,
March 20, 1937.

Re Medical Practice Act.
Editor, Independent-Farmer
Yuba City, Sutter County, California
Dear Sir:

Permit me to correct your misrepresentation of the Medical Practice Act, as expressed in the editorial printed in the *Yuba City, California, Independent-Farmer*, March 2, 1937. Therein you claim that such procedure as applying iodine to a skinned knee or using methol or aspirin tablets for a cold, or removing a cinder from an eye, constitutes a violation of the Medical Practice Act.

May we call your attention to Section 22 of said Act, reading in part as follows:

"Nothing in this Act shall be construed to prohibit service in case of emergency or the domestic administration of family remedies."

Hence, your suggestion that a "school employee is in danger of arrest if he or she applies iodine to a scratch or puts a protective bit of gauze on a skinned knee" is a misstatement of fact.

The situation which occasioned your editorial arose because a public health school nurse was reported to have taken it upon herself to diagnose a skin disease and prescribe a remedy therefor. This is strictly prohibited under

Section 17 of the Medical Practice Act, copy of which please find enclosed. If such procedure should be permitted to laymen, including public-school nurses, not thoroughly trained in medicine, diagnosis, etc., it must be conceded that the avenue will be opened to serious epidemics, etc. Either of these groups could easily make an error in diagnosing a case of smallpox as one of scabies or some similar condition. By so doing, the case of smallpox would no doubt infect a large number of individuals, causing an epidemic.

The Board of Medical Examiners has had complaints from many sections of the State of California that public-school nurses diagnose physical conditions of school children, thereafter recommending treatment, and often prescribing remedies. This is not conducive to the best interest either of the individual or the community. Instances have been reported where a case of diphtheria has been diagnosed as an ordinary sore throat and a gargle prescribed.

Trusting that you will correct the misinformation in the editorial above referred to, believe me

Very truly yours,

C. B. PINKHAM, M. D.,
Secretary-Treasurer.

The following excerpts from the Medical Practice Act were enclosed with the letter:

"Sec. 17. Any person who shall practice or attempt to practice, or who advertises or holds himself out as practicing, any system or mode or treating the sick or afflicted in this state, or who shall diagnose, treat, operate for, or prescribe for any ailment, blemish, deformity, disease, disfigurement, disorder, injury or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this Act, or who shall in any sign or in any advertisement use the word 'doctor,' the letters or prefix 'Dr.,' the letters 'M. D.,' or any other term or letters indicating or implying that he is a doctor, physician and surgeon, physician, surgeon or practitioner, under the terms of this or any other act, or that he is entitled to practice hereunder, or under any other law, or who shall in any sign or any advertisement or otherwise use the word 'chiroprapist,' 'foot specialist,' or any other term or terms, or letters indicating or implying that he is a chiroprapist, or that he practices or holds himself out as practicing chiropody or foot correction, as defined in Section 8 of this Act, without having at the time of so doing, a valid unrevoked certificate as provided for in this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as designated in this Act; provided that nothing contained in this section shall be construed to prohibit the manufacture, the recommendation, or sale of either corrective shoes or of appliances for human feet." (Amended statutes 1915, page 184; statutes 1917, page 93; statutes 1929, page 435; statutes 1933, chap. 499, p. 1275.)

Concerning number of signatures for an Initiative Basic Science Law.

STATE OF CALIFORNIA
DEPARTMENT OF STATE
SACRAMENTO

March 18, 1937.

To the Editor:—Further with reference to our reply to your letter of the 9th, and replying to your letter of the 16th, concerning number of signatures necessary to qualify an Initiative measure to be submitted to the electors.

The figure of 186,378 is correct. That number will qualify any Initiative during the present year, or in the year 1938, to be submitted to the electors at the general election in November, 1938.

The total is determined by multiplying the total number of votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, by 8 per cent, as provided in Section 1, Article IV, of the Constitution of California. At the November, 1934, general election the candidates for governor received 2,329,722 votes, 8 per cent of which is 186,378.

Very truly yours,

FRANK C. JORDAN,
Secretary of State.
By Charles J. Hagerty, Deputy.

Concerning syphilis legislation.*

CALIFORNIA MEDICAL ASSOCIATION

April 12, 1937.

To Presidents and Secretaries of County Societies:

Gentlemen:

By direction of the Council, your attention is called to the following statements. The members of your county society are requested to be accordingly governed when giving consideration to any local plans relating to a venereal disease program.

1. At the request of Surgeon-General Thomas Parran, United States Public Health Service, the Council on January 16, 1937, adopted the following motion:

WHEREAS, The federal, state and local public health agencies have authorized and are putting into operation carefully prepared plans for a campaign for the prevention and treatment of syphilis and gonorrhea; and

WHEREAS, The utilization of federal funds in this work necessitates centralization of state procedures in and through the California State Board of Health; now, therefore, be it

Resolved, By the Council of the California Medical Association, that it is in full sympathy with all rational and practical efforts to solve the problem of syphilis and gonorrhea; and be it further

Resolved, That this Council suggests that all groups and citizens who wish to cooperate in this work, do so in conjunction with the State Board of Health.

2. On February 7 the Council adopted the following resolution:

Resolved, That the Legislative Committee be instructed by the Council to support legislation for the control of venereal disease that is satisfactory in the judgment of the committee and that is also supported by the State Board of Health.

3. These resolutions were published in CALIFORNIA AND WESTERN MEDICINE, page 121 of the February issue, and page 190 of the March issue, and county secretaries were requested to impart this action to members.

4. Because of certain communications that are being addressed to county societies and members, the Council again requests that no official action be taken by your society or members until the nature of the indicated action is transmitted to your society after having been formulated by the Council or House of Delegates.

The Board of Health has given careful consideration to Assembly Bill 2790, and is of the opinion that it is necessary for the control of venereal diseases. The Board of Health and the Council of the California Medical Association do not endorse and do not deem that Assembly Bill 1089 is necessary.

The Board of Health has passed a resolution approving the policy that "As far as control measures are concerned, they must be carried out through official agencies—by the State and local health departments. We do not believe that we should be handicapped in framing rules and regulations by having the same written into the law. It will be necessary for the Board to promulgate certain regulations which can be changed from time to time as the occasion demands, and we would be very glad to discuss some of the features in Assembly Bill 1089 with regard to placing them in the regulations. On legal subjects we must be guided by the Advice of the Attorney-General."

The Council requests county societies and members to be governed by the foregoing statements.

F. C. WARNSHUIS, M. D.,
Secretary.

Concerning price advertising (Ward M. Whitten vs. California State Board of Optometry).

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL
STANDARDS

BOARD OF MEDICAL EXAMINERS
STATE OF CALIFORNIA

MARCH 30, 1937.

To the Editor:—Supplementing our recent correspondence relative to price advertising, thought you would be interested in the enclosed copy of a California Supreme Court decision filed March 16, 1937, which upholds the right of the California State Board of Optometry to hear

* See also, in regard to Assembly Bill 2790, items on pages 294 and 348.